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UNCLAS SECTION 01 OF 11 ANTANANARIVO 000221

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MA
SUBJECT: MADAGASCAR 2006 TRAFFICKING IN PERSONS REPORT

REF: A) 06 STATE 202745
B) 05 ANTANANARIVO 680
C) 07 ANTANANARIVO 161

11. SUMMARY: Madagascar is not a country of origin, transit or destination for internationally trafficked men and women. During the year, there were reports of trafficking within the country's borders. Madagascar has a confirmed child sex tourism problem. The domestic legal framework, cultural values, poverty, low-level corruption, and lack of awareness, funding, and capacity all hamper the Government of Madagascar's (GOM) efforts to combat trafficking. In 2005, the Department approved funding several trafficking in persons (TIP) initiatives (REF B); but these funds have still not been released, so programs are on hold. Against these odds, the GOM successfully completed a significant number of initiatives in its 2006 Action Plan. A new adoption law published in 2006 (including a temporary ban on international adoption) has effectively dismantled illegal adoption networks for trafficking of infants. Awareness of trafficking continues to increase in Madagascar through a series of aggressive information campaigns. As a result, Madagascar remains a leader among sub-Saharan African countries, and merits retention of its Tier Two ranking. END SUMMARY.

12. The Embassy Point of Contact for TIP is Political Officer Silvana Rodriguez. Ms. Rodriguez can be reached via email at RodriguezSD@state.gov, via telephone at 261.20.22.212.57, or via facsimile at 261.20.22.251.71. POLOFF Rodriguez spent approximately 100 hours speaking with contacts, researching, and writing this report; POL FSN spent approximately 40 hours supporting those efforts. ECON/POL Chief, DCM, and Ambassador spent approximately two hours each during the clearance process.

13. As requested in Ref A, Embassy Antananarivo submits the following information, keyed to the questions in paragraphs 27-30 that are applicable to Madagascar's situation.

-- 27 A-D. Available statistics and reports do not indicate that Madagascar is, to any significant degree, a country of origin, transit or destination for internationally trafficked men and women. There have been reports of Malagasy women working as prostitutes on the neighboring (and significantly more affluent) islands of Mauritius, Reunion, and Mayotte, but the consensus view is that they are generally operating as individual entrepreneurs rather than through force, fraud, trafficking, or coercion.

In 2004, Madagascar was a country of origin for children trafficked through illegal adoptions. A new law adopted in 2005 and published in 2006, as well as a temporary ban on international adoptions, have effectively dismantled these networks (see 29A for details). Neither UNICEF nor government ministries were aware of any cases of trafficking of babies through illegal adoption in 2006.

During 2006 and early 2007, there were reports of trafficking within the country's borders. Anecdotal information indicates there may be a network of traffickers recruiting children in rural areas for employment as domestic workers and prostitutes in urban centers, although government officials believed such recruitment was conducted by individuals. According to UNICEF and the Ministry of Labor, an unknown number of children from poor rural families are working as domestic servants for affluent urban families. While some are well treated and attend school, others are neglected, exploited and physically or sexually abused. The Embassy has received anecdotal information from the International Labor Organization (ILO) in the past about the recruitment of

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children in Antananarivo under false pretenses for "legitimate" employment in coastal cities as waitresses and domestic servants. There is a confirmed sex tourism problem in the coastal cities of Tamatave, Diego Suarez and Nosy Be, although an ILO study in 2006 shows this problem is on the decline. Embassy research in 2006 indicated much activity was without the involvement of any third party, although there were some cases of encouragement or facilitation by family members, taxi and rickshaw drivers, friends, tour guides, and hotel workers.

Based on previously completed studies, the ILO took actions throughout 2006 to address newly-identified potential internal trafficking networks. In the Tulear (southwest) region where an estimated 300 children work in the salt mines, ILO built a local school to simultaneously encourage youth education and free parents from the responsibility of child-watching so they can work in the mines. The ILO is planning to adapt such successful pilot projects for other problem areas. For example, an estimated 18,000 children from the Tulear and Fianarantsoa regions labor in the gemstone mines of Ilakaka. In the Ihosy (south central) region, it is a traditional practice for parents to sell their daughters into marriage at the cattle market to the "highest bidder," i.e. to the man who offers her family the most heads of cattle. In Diego Suarez, Majunga and Manakara, young boys are put to work loading the goods of traveling vendors ("marchands ambulants") onto trucks bound for the capital and other ports. They hitch a ride in the truck to the final destination where they then help to unload the cargo. In many cases, the children are never paid for their work, and are left behind in the port city, hundreds of miles from their home.

Traffickers throughout Madagascar (who are mainly Malagasy) target three key populations: women and young girls for sex, young boys and girls for employment, and babies for international adoption. In the cases of sex and employment trafficking, victims are often lured by the promise of lucrative jobs. Friends, family members, guardians, taxi

drivers or rickshaw drivers may approach victims. Although there are cases where parents are complicit, tacitly endorsing the transaction, most are unaware of the poor working conditions to which they send their children. Interlocutors insisted these are largely individual efforts and not part of a formal network.

The domestic legal framework, cultural values, poverty, low-level corruption, and lack of awareness and capacity hamper the GOM's efforts to combat trafficking. There is a societal and cultural acceptance of early sexual activity, early childbearing outside of marriage, and prostitution as an economic activity. The 2004 ILO contribution to the National Action Plan to Combat Child Labor in Madagascar stated, "material rewards and sexuality have always been strongly associated in Malagasy society. A man's generosity towards a woman increases both his standing as well as [that of] the woman receiving gifts. In some parts of the country, girls from adolescence onward are expected to take care of their own material needs beyond food and lodging. It has traditionally been acceptable for girls to entertain male friends in separate living quarters to obtain clothing or other items. The step from this custom to overt sale of sex is small." Embassy observers in Nosy Be and Diego Suarez noted the ambivalent attitude of parents and the desire of minors to meet and marry foreigners as another cultural factor contributing to the problem; UNICEF reports from 2003 noted the same problems in Tamatave.

Chronic under-funding and a lack of capacity inhibit the GOM's ability to take pro-active positions on many issues, especially those involving prosecution. Nonetheless, the

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GOM made significant progress on the prevention and protection aspects of the 2006 Action Plan: it conducted nation-wide awareness campaigns throughout the country, drafted bills to bring Malagasy laws into conformity with international protocols, and published a new law designed to prevent adoption trafficking. It continued to enforce laws barring minors from nightclubs, bars and discotheques. It also continued to assist trafficking and other child labor victims through the creation of additional Welcome Centers and Provincial Monitoring Units (see 30A-B for details).

In 2005, the Department approved funding several prevention initiatives. But, due to the fact that the majority of the funds have still not been released, the programs are on hold. Nonetheless, awareness of trafficking increased through aggressive information campaigns individually managed by the Ministries of Justice, Labor, Population, Tourism, Youth and Sports, and Education (see 28C for details).

The GOM and local NGOs are anxious to document the extent and nature of trafficking; lack of available funding and institutional capacity remains a significant impediment. There is no centralized information source of trafficking statistics in place. However, throughout 2006 the GOM considered different database software to consolidate statistics compiled by each ministry. UNICEF provided "DevInfo" software and trained some ministry representatives. However, this system is not yet widely used, as not all ministries have received the software or training on how to use it. In the interim, several NGOs continue to work on discrete projects to document the welfare and treatment of children. Catholic Relief Services (CRS) conducted a USAID-funded trafficking survey in November 2006, whose findings were used during TIP trainings in early 2007 for implementing partners and local leaders in Nosy Be, Tamatave, and Tulear. This reference data will also be used for program evaluation and to identify information gaps in public awareness.

The government systematically monitors its anti-trafficking efforts through the President's Inter-Ministerial Anti-Trafficking Committee, which meets regularly and makes available their findings. The committee met in August and December 2006 to assess progress on the 2006 Action Plan.

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PREVENTION
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-- 28 A. There is a clear political will at the highest levels to combat trafficking in persons. The GOM freely and publicly acknowledges that trafficking is a problem in Madagascar. The President has expressed his commitment -- both personal and political -- to eliminate trafficking in Madagascar. The President listed this goal as one of the priorities in the Madagascar Action Plan (MAP) launched in 2006, which will guide the country's development policy over the next five years.

-- 28 B. GOM anti-trafficking efforts are spearheaded by the President's Inter-Ministerial Anti-Trafficking Committee. Led by the Presidency, the committee includes representatives from the Presidency and the Ministries of Labor, Education, Culture, Tourism, Youth and Sports, Defense, Justice, Population, Foreign Affairs, Interior, and Public Security. The committee meets on a bi-annual basis with additional ad-hoc meetings as needed. Trafficking issues are also addressed by the National Committee to Combat Child Labor (CNLTE is the French acronym). The CNLTE features representatives from the GOM, NGOs and civil society.

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-- 28 C. TIP awareness continues to increase in Madagascar through aggressive information campaigns. In light of the fact that many of the young people who fall into trafficking and forced labor leave school prematurely and lack awareness of their rights and economic alternatives, the government's prevention campaigns took a holistic, empowering approach by addressing a number of related issues that play a role in the overall problem. Given the absence of educational or economic alternatives in most areas where trafficking is prevalent, awareness programs sometimes fall on deaf ears.

In August 2006, the Ministry of Justice held a week of educational films in Antananarivo on commercial and sexual exploitation of children, including the trafficking of rural children for domestic and sexual labor in urban centers. With the collaboration of experts brought in by USAID, the Ministry also conducted two training sessions for magistrates on legal instruments to combat the trafficking of women and girls. In May 2006, ministry and gendarmes representatives participated in an ILO training in Italy on human slavery and forced labor. The Ministry also conducted national television and radio programs to explain the process and implications of the new adoption laws (see 29A). In conjunction with the Office of the UN Secretary General, the Ministry conducted studies on

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violence against children, including sexual and commercial exploitation.

The Ministry of Culture and Tourism conducted public awareness training at cultural events for 250 personnel working in the tourism industry, as well as for an unknown number of women and children at risk of being trafficked in seven different locations in Madagascar (Farafangana, Tulear, Betioky, Majunga, Manakara, Ambositra, and Antsohihy).

The Ministry of Education conducted workshops on children's rights, the worst forms of child labor, the minimum working

age, and school retention programs at 152 schools and 87 parent associations throughout the country. Targeting child prostitutes, the Ministry also conducted education campaigns on sexual reproductive health at 18 schools. Their public education campaign included 27 newspaper articles, 32 radio programs, five radio spots, five television spots, one poster and one skit on the following topics: children's rights, the worst forms of child labor, Convention 182 on the Elimination of the Worst Forms of Child Labor, and school retention programs. The Ministry incorporated these themes into International Education Week activities in November by organizing a debate on the worst forms of child labor and an exhibit on the social reintegration of child workers and street children.

The Ministry of Foreign Affairs drafted a report on the implementation of the Convention on the Rights of the Child in Madagascar, specifically relating to the sale and prostitution of children, including for use in pornography. This report will be reviewed in April 2007 by the UN High Commissioner for Human Rights in New York.

In 2006, the Ministry of Youth and Sports trained nearly 60 adult speakers and 120 youth peer educators on children's rights; distributed fliers, posters and banners on how to say no and how to seek counseling; and created seven CDs on sexual reproductive health and sexual violence. The Ministry estimates its programs reached over 78,000 young people in 2006. Its collaboration with the UN Population Fund included programs to educate Malagasy adolescents about reproductive health, rape, sexual harassment and prostitution.

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The State Secretary of Public Security (SSPS) has set up "morals and minors" police brigades to conduct both prevention and prosecution activities. The brigade in Tulear is now operational, while the Fort Dauphin and Morondava brigades are expected to start operations in 2007. It has also conducted educational programs on child exploitation, statutory rape, and prostitution for 17,700 students, 75 school administrators, 22 teachers, and 100 parents. Nine thousand members of the general public benefited from SSPS-run awareness campaigns on the protection of children's rights. The SSPS also conducted education campaigns for 35 hotel managers and 24 "red zone" neighborhoods in Antananarivo on legislation concerning the protection of minors. As a result of these awareness-raising initiatives, the SSPS has noticed the number of people stepping forward to file child-related complaints has significantly increased. Funded by the USG and in collaboration with UNICEF, the SSPS is designing a standard training module for police on the protection of minors. In 2006, the program trained 25 police and gendarmes in Diego Suarez, 19 in Antananarivo, and 700 newly graduated police and inspectors on the rights and protection of minors. Finally, the SSPS published a number of articles in international newspapers on the sexual exploitation of minors.

The Ministry of Telecommunications and Communication trained journalists representing 125 of the country's 256 radio and television stations on the Convention on the Rights of the Child and the GOM's campaign to issue birth certificates to prevent trafficking through illegal adoption (see 28D for details). The Ministry also distributed posters with messages against sex tourism to 150 post offices around the country; organized a contest in collaboration with UNICEF for journalists to write about children's rights; and trained 20 journalists on sexual reproductive health. Following the release of UNICEF's film "Vero et Haingo" on the sexual exploitation of children, the Ministry of Telecommunications dispatched copies of the film and supporting information to schools throughout the country's 22 regions. Schools used the film

to open discussions among students regarding the importance of education to avoid falling into exploitation.

The Ministry of Population's activities in 2006 included the training of 275 child counselors; an education awareness campaign on children's rights legislation that reached 87,000 children and adults; and the establishment of a children's association in Majunga allowing children to participate in the decision-making process at the provincial level.

-- 28 D. The GOM supports several other programs that complement the battle against trafficking. In June 2004, UNICEF and the Prime Minister launched a three-year campaign to improve birth registration rates (EKA is the Malagasy acronym). Madagascar has no uniform birth registration system, a weakness traffickers have in the past exploited to traffic children into illicit international adoption. According to a 2003-04 study by INSTAT, the government's office of statistical studies, 25 percent of children in the country under the age of five are not registered. Many of the Ministry of Population's activities in 2006 focused around the GOM's campaign to issue birth certificates, including the training of 400 civil servants on the issuance process and raising public awareness via 5,000 outreach coordinators and fliers. The Ministry of Population is currently retroactively registering birth certificates in 111 communes. In conjunction with the World Bank's continuing "Education for All" initiative, the GOM also provided school uniforms for elementary school children around the country in an effort to bolster school attendance.

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-- 28 E. The Government actively cooperates with NGOs and international organizations, including ILO and UNICEF, on issues related to trafficking. NGO opinions and policy recommendations are regularly sought and implemented. Civil society is generally weak in Madagascar; their participation is limited to a few local NGOs and organizations that are actively involved in anti-trafficking initiatives.

-- 28 F. The GOM adequately monitors immigration and emigration patterns from Ivato International Airport in Antananarivo. Madagascar is an island nation with 5,000 kilometers of porous and unprotected coastline. The only resources available to patrol the coast consist of a 2003 USG donation of seven U.S. Coast Guard motor lifeboats. There are occasional direct and/or charter flights that bypass Ivato and fly directly to the tourist island of Nosy Be. Cruise ships make occasional ports of call around the island. Most travel via the coast occurs by ferry traffic between Comoros and Madagascar that is not monitored. Recent at-sea disasters have confirmed that Madagascar does not track personnel numbers or identification of personnel using these ferries. Monitoring standards for these flights and ships are far lower than those employed at Ivato.

-- 28 G. In 2004 the GOM created an inter-ministerial anti-trafficking committee to coordinate between various agencies (see 28B for details). The government created a National Committee to Fight Corruption (CSLCC is the French acronym) in September 2002, since renamed the Committee for the Safeguard of Integrity (CSI), to design anti-corruption policy. BIANCO, the independent anti-corruption bureau, was launched in 2004 to conduct investigations and implement CSI directives. Neither CSI nor BIANCO representatives are members of the anti-trafficking or child labor committees, but the Embassy has recommended their inclusion.

The Government of Madagascar has begun to participate in multilateral TIP undertakings. In addition to its

participation in the Indian Ocean Children's Rights Observatory since 2004, the GOM participated in the 2006 launch of the UN Secretary General's study on violence against children, which includes trafficking and worst forms of child labor.

The GOM has judicial cooperative agreements with France (Reunion) and Mauritius that could be used as a basis for future multilateral TIP efforts. The GOM actively cooperates with the Seychelles to combat narcotics trafficking.

-- 28 H. The GOM has a national action plan in place for combating trafficking in persons originally envisioned for the period from 2005 through 2009. The overall objective is to eliminate trafficking nationwide and implement the "minimum standards" necessary to achieve a Tier One ranking. The plan consists of five strategic axes: (1) create and operate the institutional structures necessary to combat trafficking (including prosecution measures such as specialized police forces against trafficking and child labor), (2) rescue and rehabilitate trafficking victims, (3) apply existing laws and bring Madagascar's laws into conformity with international standards, (4) conduct anti-trafficking information and education campaigns, and (5) disseminate information on the GOM's efforts in the battle against trafficking. In February 2007, the GOM held meetings to adapt and extend the national action plan to align with the government development policy, MAP, for the period from 2008 through 2012.

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INVESTIGATION AND PROSECUTION OF TRAFFICKERS
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-- 29 A. Since the last TIP report, the GOM has enacted new legislation designed to combat trafficking in persons. In April 2006, the GOM published a new law to prevent trafficking through illegal adoption by centralizing the management of adoption requests and by placing children in Malagasy homes first. International adoption requests must now go through the Ministry of Foreign Affairs, while national requests must go through the Ministry of Population. Newborns must reside with their biological mothers for six months before becoming available for adoption.

The Ministry of Justice is close to completing the following laws designed to combat aspects of human trafficking to be presented at the first session of parliament in May 2007. A special commission is working on a bill that will bring domestic laws into conformity with the terms of the Convention on Transnational Organized Crime, including stiff penalties and extradition provisions for traffickers. With the support of the Women's Legal Rights Initiative (a USAID-funded program), the Ministry completed the first draft of a bill to bring Malagasy laws into conformity with the standards established in the Convention on the Elimination of All Forms of Discrimination Against Women. In 2006, the Ministry finalized a draft of a law on the protection of child victims of abuse and violence, including punitive measures for the clients of child prostitutes equal to those for ?pimping? (see 29A-B). The draft law was vetted in the Committee for the Reform of Child Law. The Ministry also completed the text of a decree listing prohibited forms of child labor, including prostitution, domestic slavery and forced labor; perpetrators will be subject to the punishments already outlined in the labor code for illegal child labor. The Ministry of Labor is also finalizing a text clarifying the application of the labor code for child workers. Other completed texts that will be presented to Parliament in May address raising the legal marriage age to 18 and the responsibility of parents for their children.

The Ministry of Justice has not completed the trafficking-specific law originally promised for October 2006. While they have designed an Action Plan for the drafting and implementation of the law, they are requesting the technical support of international consultants to ensure the text adheres to international standards.

-- 29 B, D, and E. Until all of the aforementioned laws are put into place, traffickers remain liable for prosecution under several provisions of the Malagasy Penal and Labor Codes, including the Penal Code provision prohibiting pedophilia, statutory rape and procurement of minors for prostitution.

Article 331 of the Penal Code states anyone attempting to have non-violent sex with a child under the age of 14 will be punished with five to ten years imprisonment and a fine of USD 950 to 4,750 (two to ten million Ariary).

According to Article 334-35 of the Penal Code, pimping cases involving minors and and/or the use of force carry a sentence of five to ten years imprisonment and fines of USD 1,900 to 9,500 (four to twenty million Ariary). Pimping of adults carries two to five years imprisonment with a fine of USD 475 to 4,750 (one to ten million Ariary). If pimping is conducted by an organized group, the punishment is forced labor and USD 1,900 to 19,000 (four to forty million Ariary). If torture or barbaric acts are involved, the punishment ranges from ?forced labor? to life in

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prison.

According to Article 346-47 of the Penal Code, use of children in pornography carries a sentence of two to five years imprisonment and a fine of USD 950 to 4,750 (two to ten million Ariary). If the child is under 15 years of age, this punishment increases to three to ten years imprisonment and a fine of USD 1,900 to 9,500 (four to twenty million Ariary).

Under the Malagasy Penal Code, the minimum penalty for rape is five years detention. If the rape involves a person less than fifteen years of age, the penalty is five years forced labor.

Prostitution is not a crime; however, related activities, such as pimping, are illegal. Only clients of underage prostitutes can be prosecuted. However, domestic statutes on the subject are sometimes inconsistent, particularly with respect to ages. (Article 331 of the Penal Code specifies fourteen as the age of consent. Article 332 dealing with rape, uses fifteen as the cutoff age. Article 334 provides sentences for those convicted of ?habitually? procuring prostitutes under the age of twenty-one and ?occasionally? procuring prostitutes under the age of sixteen.) There is a regulation (Decree 1111, (1966), of the Malagasy Penal Code) barring those under the age of eighteen from nightclubs and discotheques and subjecting offending owners to fines and jail terms. The regulation is not enforced uniformly due to lack of capacity and resources.

-- 29 C. The law stipulates penalties for trafficking for labor exploitation, labor recruiters who engage in recruitment of laborers using knowingly fraudulent or deceptive offers, and employers who switch contracts without the worker's consent as a means to keep the worker in a state of service. Article 262 of the Labor Code specifies that the penalties for trafficking for labor exploitation and ?contractual fraud? are one to three years imprisonment and USD 475 to 1,900 (one to four million Ariary). While it is the responsibility of labor inspectors to note the infraction, open the investigation, and send the case to court, this rarely happens as it is

difficult to catch an employer in the act.

-- 29 F. As there is no nationwide, centralized database of legal cases, the government had difficulty providing information on specific trafficking cases. Officials at the Ministry of Justice must call each of the 36 jurisdictions to obtain statistics on such cases. In addition, the absence of a law specifically defining trafficking activities and sanctions makes it difficult for government officials to prosecute cases and compile reliable statistics.

Still, there were four known cases of trafficking-related prosecutions during the reporting period. In Nosy Be, two French men were arrested for statutory rape, convicted and deported out of Madagascar. In late 2006, a Swiss man in Nosy Mitsio who frequently took young girls out on his sailboat was condemned to five years in prison for pedophilia.

On November 14, two Malagasy citizens were condemned to 15 years labor for abduction, using false papers, and trafficking children in an apparent illegal adoption ring. A former city official in Antananarivo was sentenced to 12 months in prison as an accomplice. The trafficking ring allegedly smuggled an unreported number of Malagasy infants to Belgium, each at a cost of over 4,000 euros (about USD 5,000). According to GTIP guidance, "human trafficking is a crime against a victim, involving force, fraud or

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coercion to overcome the victim's lack of consent." In concordance, UNICEF confirmed this case does indeed qualify as trafficking of children, as the infants were under the legal age of consent.

According to official figures, police in the six provincial capitals also handled the following crimes related to trafficking: one case of trafficking of children, 315 cases of statutory rape, 25 cases of child kidnapping, and six cases of child abandonment. Figures for Antananarivo show police handled seven cases of child confinement and one case of pedophilia.

In addition, the police in major cities continue to enforce existing laws barring minors from nightclubs on a regular basis and conduct an average of one round-up of nightclubs per month.

-- 29 G. There is little credible information on who is behind the trafficking. Embassy contacts believe most trafficking situations involve freelance operators for personal gain. For the cases of sex tourism, much of the activity is without the coercion of a third party, although there are some cases of encouragement or facilitation by family, taxi and rickshaw drivers, friends, small hotel owners, and tour guides. In some cases, local officials benefit from small "pay-offs" from the suspected pedophile hoping to make an arrangement to get out of the situation.

-- 29 H. The government actively investigates cases of trafficking to the best of its ability given limited human and financial resources. Planned monitoring of nightclubs and schools took place on a smaller scale than originally envisioned due to a lack of financial and material resources. Techniques such as electronic surveillance and undercover operations are far too costly to be used by the GOM. However, the SSPS has established "morals and minor brigades" in three major cities whose prosecution activities include conducting traditional investigations of a number of child-related issues such as pimping, trafficking, and statutory rape.

-- 29 I. With assistance from UNICEF, the GOM is offering specialized training for government officials in how to recognize, investigate and prosecute instances of

trafficking. In 2006, UNICEF collaborated with the SSPS to train 700 newly graduated police and inspectors on the rights and protection of minors. They also provided the same training to 275 police, gendarmes and other civilians involved in children's issues throughout the country. In collaboration with UNICEF, the SSPS is dividing a training manual written by the national Chief of the Minors Brigade into four booklets (dealing with questioning and interrogation, abuse, law, and prosecution) with an expected publication date of March 2007. The launch of the booklets in March will also involve training sessions for police.

-- 29 J. The GOM is beginning to actively cooperate with other governments in the investigation and prosecution of trafficking cases. Malagasy police cooperate with neighboring countries, as well as with Interpol.

-- 29 K. The GOM does not currently extradite persons charged with trafficking in other countries, nor do they permit extradition of Malagasy nationals.

-- 29 L. (SBU) This year, there was no evidence of direct government involvement in trafficking at the local level. However, there is some indication that local officials in areas of high sex tourism, who are frustrated by their institution's chronic lack of funding and resources for the investigation and prosecution of foreign pedophiles, have

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developed a certain level of tolerance. Anecdotal evidence also suggests local police and magistrates in these areas hesitated to prosecute clients of child prostitutes, whether for monetary gain or fear of a diplomatic incident. Local officials in Nosy Be reported that pressure from parents to keep nightclubs open and offenders out of jail " because these may interrupt their source of income " is significant.

-- 29 M. There were no prosecutions of government officials for involvement in trafficking or trafficking-related corruption. The case of local government officials arrested in 2005 for involvement in trafficking through illegal adoption is still pending.

-- 29 N. Madagascar has a confirmed child sex tourism problem. The GOM was unable to provide statistics as to the total number of foreign pedophiles prosecuted during the year. However, the Embassy is aware of three cases in Nosy Be of foreign pedophiles prosecuted in 2006 (see 29F). The countries of origin for sex tourists include: France, Italy, Spain, Switzerland, Mauritius, and Reunion.

-- 29 O. Madagascar ratified ILO Convention 182 concerning the Worst Forms of Child Labor in October 2001 and the ILO Convention 29 on Forced and Compulsory Labor in January 1960. The GOM is drafting different texts, some of which have already been approved and implemented, to align Malagasy laws with these two conventions. Madagascar hopes to ratify ILO Convention 105 on Forced and Compulsory Labor in 2007. In September 2000, Madagascar signed the optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; it was ratified in September 2004. In December 2000, Madagascar signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime; it was ratified in September 2005.

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PROTECTION AND ASSISTANCE TO VICTIMS
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-- 30 A-B. The GOM bolstered its ability to assist child workers through the creation of additional Welcome Centers

and Provincial Child Labor Monitoring Units. In September 2006, a third Welcome Center opened in Tulear to join the ones in Antananarivo and Tamatave in providing assistance to victims. With USAID assistance, plans are underway to construct a fourth Welcome Center in Nosy Be in 2007. At these centers, rescued children under the age of 15 are reintroduced to the educational system; children over 15 receive vocational training and are placed with EPZ (Export Processing Zone) companies. Welcome Center physicians also provide medical and psychological counseling services, while Ministry of Labor inspectors teach rescued victims job-finding skills. In 2006, 36 of the 50 child workers rescued and taken into the country's three Welcome Centers were either given vocational training or placed back in school; 20 additional child workers were identified for professional training and 20 others for remedial education. The GOM also set up a Provincial Child Labor Monitoring Unit in Diego Suarez to join the one operational in Antananarivo; it is seeking personnel to staff a third unit in Tulear.

The Ministries of Justice and Population collaborated to establish counseling centers in Antananarivo and Fianarantsoa for adult and child victims of a range of abuses, including sexual and commercial exploitation.

Working in coordination with the Ministry of Population,

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UNICEF expanded its financial support and technical assistance to child rights and protection networks from nine to 11 locations. These multi-sector networks bring together government institutions, NGOs and law enforcement officials. Their main activities include: monitoring cases of child abuse and reporting them to the authorities, raising awareness of child rights and protection, strengthening local coordination, assisting children and their families with the legal process, and providing psycho-social care, rehabilitation and reintegration. For example, the multi-sector network established in Diego Suarez brought together 22 entities from different sectors to handle individual cases of child prostitution from the initial complaint through the trial, including medical assistance and legal advice for victims.

-- 30 C. A July 2004 UNICEF project proposal states, "the government social welfare system is extremely limited due to a lack of human resources with relevant background and experience, the lack of government budget for activities and low government salaries. Most welfare services are provided by international and local NGOs (like UNICEF)." While much of this still holds true, the GOM has made steady progress since 2004 to rescue victims and assist their reintegration (see 30A-B). There is no official screening process in place to transfer identified victims to NGOs for care; however, the three Welcome Centers and 11 multi-sectoral networks play this role in major cities throughout the country.

-- 30 D-F. Victims' rights are generally respected; they are never detained, arrested, jailed or fined. Victims are not prosecuted for violations of other laws. The GOM encourages victims to assist in the investigation and prosecution of trafficking. Victims may file civil suits or seek legal action against the traffickers, and their right to seek legal redress is not impeded. The GOM provides shelter, counseling, and reintegration assistance for victims through counseling and Welcome Centers (see 30A-B). While the GOM provides legal protection for victims (see 29B, D, and E), it does not provide physical protection outside of the Welcome Centers.

-- 30 G. Throughout 2006, UNICEF has worked with the SSPS to train police officers to recognize trafficking (see 29I). UNICEF has also been working with the Ministry of Population since 2005 to create an official government

policy on social protection. UNICEF provided support and technical assistance to the Ecole de Service Social (Social Services University) to develop a reference manual for social workers on how to deal with child abuse; this manual is now being divided into topical booklets for social workers.

-- 30 H. There have been no recent cases of repatriated nationals who are victims of trafficking.

-- 30 I. NGOs such as UNICEF, Belle Avenir (a Malagasy NGO), and Enfants du Monde (a French NGO) have the GOM's endorsement to provide basic counseling services for trafficking victims. Through USAID funding, Catholic Relief Services began working with the Ministry of Justice and civil society organizations in late 2006 to assist victims and at-risk populations in Nosy Be, Tamatave and Tulear. The program in Nosy Be includes the establishment of a Welcome Center in 2007 and capacity-building assistance to women-led NGOs (some of which include former child prostitutes). The programs in Tamatave and Tulear include the establishment of two to three additional Welcome Centers, vocational training for local NGOs, and income-generating activities.

MCCEE